

Response to Harris County letter:

Dear Mr. Owens,

Thanks you for your letter dated April 2, 2014. The EPA has greatly appreciated the contributions that Harris County has made regarding the investigation and eventual remediation of the San Jacinto River Waste Pits Site.

The EPA would like to take this opportunity to clarify a few issues regarding the Site. One issue is regarding the EPA's decision of whether the removal action completed in 2011 was a permanent remedy for the Site, or temporary with a goal of preventing current exposures and releases until a permanent remedy could be selected and implemented. From the start, the EPA made it very clear to the parties that the cap was not a permanent remedy; it was only a temporary action to stabilize the pits. Following completion of the cap construction, the parties prepared a report describing this work as a permanent remedy for the Site. EPA strongly objected to this wording and insisted that the work be described as a temporary action until a permanent remedy could be selected. The parties refused and EPA was compelled to take over the completion of this report and properly describe the project as temporary.

The parties are required to conduct a remedial investigation to fully delineate the contamination and prepare both Human Health and Ecological Risk Assessments to determine what contaminants pose a risk and over what areas. The parties would then prepare a feasibility study to evaluate alternatives to address the risk. The EPA, in consultation with TCEQ, and input from stakeholders and the community would select the remedy for the site. The parties prepared a number of draft work plans and reports to accomplish this work. These draft submittals were reviewed by the EPA, the Texas Commission on Environmental Quality, Harris County, and the Port of Houston. These reports were revised as necessary based on the comments and issues identified by these various agencies. The parties have tried to influence the final decision for site cleanup. For example, in the draft Feasibility Study, the parties recommended one of the remediation alternatives and emphasized the benefits of this alternative compared to the other possible remediation alternatives. Based on the agencies' reviews, comments were prepared that required the parties to remove the recommended alternative, and provide a more balanced discussion of the merits of the various alternatives.

Regarding the conduct of community meetings, the EPA has held several such meetings regarding site conditions and progress of the work. At these meetings, presentations were made by EPA or other agencies (Texas Department of State health Services, for example). The parties did not make any presentations at these meetings, and the EPA is solely responsible for the content of their presentations and their answers to questions received.

The EPA will select a protective remedy for the Site, in consultation with TCEQ, based on the nine CERCLA criteria as required by law. The EPA will also consider the public comments received, including comments from the parties, regarding the site and cleanup approach. The EPA also plans to present a recommended remedy, as well as the other alternatives, to the EPA's National Remedy Review Board. This board consists of senior technical and management personnel from across the EPA regions and Headquarters. They bring a vast amount of knowledge and experience in cleaning up contaminated sites, and will insure that the cleanup decision is consistent with the law and is protective of human health and the environment.

In closing, I would like to thank the Harris County personnel for their work on the site and the contributions they have made.

Sincerely,